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FACSIMILE TRANSMISSION**PLEASE DELIVER THE FOLLOWING PAGES**

TO : United States Patent & Trademark Office
GROUP ART UNIT : 3627
ATTN. : Examiner Andrew J. Fischer
FAX NO. : (703) 746-5588
FROM : Pedro C. Fernandez OUR DOCKET NO. : 6715/60188
RE : Serial No. 09/600,509
DATE : May 5, 2003
TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET: 4

⊗ IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE TO (212) 278-0400.

☞ MESSAGE ☜

Per our telephone conversation of May 1, 2003, and further to our Amendment mailed March 13, 2003, attached please find a Terminal Disclaimer over Application Serial No. 09/923,702 to withdraw the Restriction Requirement on the above-identified application.

SUBJECT: DECISION ON TERMINAL DISCLAIMERS INFORMAL FORM

DATE: 5/12/03 APPL. S.N.: 09 600,509
TO EXAMINER: Fischer ART UNIT: 3627
FROM: Nathany ROOM 8102 MAILROOM DATE 5/5/03

AFTER FINAL YES ☐ NO ☒ NUMBER OF T.D(S). FILED 1

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next office action to notify applicant about the T.D. If you disagree with my analysis or have questions at all about the acceptability of the T.D., please see me or our Special Program Examiner. THIS MEMO IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE MAILED TO APPLICANT, NOR SHOULD A COPY BE LEFT IN FILE.

- ☒ The T.D. is PROPER and has been recorded. (See 14.23).
- ☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below. (See 14.24).
- ☐ The recording fee of \$_____ has not been submitted nor is there any pre authorization in the application file to charge to a deposit account. (See 14.26.07)
- ☐ Application Examiner has not processed T.D. fee. (See fee authorization).
- ☐ The T.D. does not satisfy Rule 321(b)(3) in that the person who has signed the T.D. has not stated his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent. (See 14.26 and 14.26.01).
- ☐ The T.D. lacks the enforceable only during the common ownership clause needed to overcome a double patenting rejection, Rule 321(c). (See 14.27, 14.27.01).
- ☐ It is directed to a particular claim(s), which is not acceptable since "the disclaimer must be of a terminal portion of the term of the entire patent to be granted". MPEP 1490. (See 14.26, 14.26.02).
- ☐ The person who signed the terminal disclaimer:
☐ has failed to state his/her capacity to sign for the business entity. (See 14.28).
☐ is not recognized as an officer of the assignee. (See 14.29 and possibly 14.29.01).
- ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame specified as to where such evidence is recorded in the office. 37 CFR 3.73(b). (See 1140 O.G. 72). **NOTE:** This documentary evidence or the specifying of the reel and frame may be found in the T.D. or in a separate paper submitted by applicant. (See 14.30).
- ☐ No "statement" specifying that the evidentiary documents have been reviewed and that, to the best of the assignee's knowledge and belief the title is in the assignee seeking to take action. 37 CFR 3.73(b). (See 1140 O.G. 72) (See 14.31).
- ☐ The T.D. is not signed. (See 14.26, 14.26.3). or 14.26.03 if TD is not signed by all the owners.
- ☐ Attorney not of record in oath/decl. or a separate paper filed appointing a new or associate attorney. (See 14.29.01).
- ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting is missing or incorrect. (See 14.32).
- ☐ The serial number of this application (or the number of the patent in reexam or reissue case(s) being disclaimed is missing or incorrect. (See 14.26, 14.26.04 or 14.26.05).
- ☐ The period disclaimed is incorrect or not specified. (See 14.27, 14.27.2 or 14.27.3) (For Samples 14.27.04 and 14.27.05)
- ☐ Other: _____

☐ Suggestion to request refund of \$_____. (See 14.35, 14.36).

☐ **EXAMINER NOTE: IF APPLICATION IS IN CONDITION FOR ALLOWANCE ANY OF THE ABOVE INFORMALTIES MAY BE FAXED IN TO THE GROUP**

FOR SAMPLE TERMINAL DISCLAIMERS AND CERTIFICATES:

- ☐ Sample of a TD over a pending application and assignee Certificate (See 14.37).
- ☐ Sample of a TD over a prior patent and assignee Certificate (See 14.38).
- ☐ Sample Assignee Certificate under 37 CFR 3.73 (b) (See 14.39)

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#13
MF
5/12/03IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Fumitake YODO
Serial No. : 09/600,509
Filed : July 17, 2000
For : TERMINAL DEVICE, ACCOUNTING SYSTEM AND
DATA PROCESSING METHOD
Group A.U. : 3627
Examiner : Andrew J. Fischer

I hereby certify that this paper is being
facsimile transmitted to the U.S. Patent and
Trademark Office (Fax No. (703) 746-5588)

Jay H. Maioli
Reg. No. 27,213

Date
05.05.03

May 5, 2003
1185 Avenue of the Americas
New York, NY 10036
(212) 278-0400

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Sony Corporation, having a place of
business at 7-35 Kitashinagawa 6-chome, Shinagawa-ku, Tokyo,
Japan, represents that it is the assignee of all right,
title, and interest in and to U.S. Patent Application Serial
No. 09/600,509 filed July 17, 2000 for TERMINAL DEVICE,
ACCOUNTING SYSTEM AND DATA PROCESSING METHOD, as evidenced

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by the assignment recorded in the U.S. Patent and Trademark Office on July 17, 2000 at Reel 010981 and Frame 0857, and that it hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending U.S. Patent Application Serial No. 09/923,702 filed on August 7, 2001 and of which Sony Corporation is also the assignee of all right, title and interest.

Sony Corporation hereby agrees that any patent so granted on said U.S. Patent Application Serial No. 09/600,509 shall be enforceable only for and during such period that it and any patent granted on U.S. Patent Application Serial No. 09/923,702 are commonly owned. This agreement to run with any patent granted on said U.S. Patent Application Serial No. 09/600,509 and is binding upon the grantee, its successors and or assigns.

In making, the above disclaimer, Sony Corporation does not disclaim the terminal part of any patent granted on said U.S. Patent Application Serial No. 09/600,509 that would extend to the expiration date of the full statutory term as

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defined in 35 U.S.C. 154 to 156 of any patent granted on U.S. Patent Application Serial No. 09/923,702, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

This Terminal Disclaimer is to be effective only upon the issuance of a United States Patent on said application Serial No. 09/600,509.

The undersigned as attorney of record is empowered to act on behalf of the assignee.

Respectfully submitted,
COOPER & DUNHAM LLP


Jay H. Maioli
Reg. No. 27,213

JHM/PCF:tl

X

Please charge the Terminal Disclaimer fee under 37 CFR 1.20 (d) to Deposit Account No. 03-3125.